

**FEBRUARY 27, 2002**

**HOUSE DEMOCRATIC WOMEN OPPOSE PICKERING NOMINATION TO THE U.S. COURTS OF APPEALS**

**WASHINGTON, D.C. -- During the 2000 Presidential election, President Bush and Vice President Cheney attempted to portray themselves as "mainstream" on the issue of a woman's right to choose. This nomination is anything but "mainstream."**

**At the 1976 Republican National Convention and as a Mississippi State senator, Judge Pickering led the fight for a constitutional amendment to ban abortion. He led the fight against the Equal Rights Amendment. In fact, he has spent a good part of his life working to take rights away from women.**

**An appointment to the U.S. Court of Appeals is not just any appointment. The U.S. Courts of Appeal make decisions and set precedents that affect the individual rights of all Americans. In the 2000-2001 court session, the U.S. Supreme Court decided 80 cases. The U.S. Courts of Appeals reviewed the merits of and decided 27,000 cases. Many of those cases have and will affect reproductive rights.**

**Under the Planned Parenthood v. Casey decision, the U.S. Supreme Court allowed states to restrict a woman's right to choose as long as restrictions do not constitute an "undue burden," then gave the U.S. Court of Appeals great discretion in deciding what is and what is not an "undue burden."**

**With his one track anti choice judicial mind, I don't want Judge Pickering deciding what is "undue burden."**

**In the 5th District, where Mississippi, Louisiana and have anti-choice legislatures and governors, the Court of Appeals can be a woman's only hope. That's what happened in 1991, when Louisiana passed an abortion ban and the Court of Appeals declared the law unconstitutional. Ten years ago, the 5th District Court of Appeals upheld a woman's right to choose. If anti-choice activists like Judge Pickering hold the balance on the Court, no woman should expect that her reproductive rights will be upheld in the future.**

**Judge Pickering is not a fair arbitrator of choice.**

**Think about some of the laws that have been passed in the states that make up the 5th District. Under a Louisiana law, providers who perform abortions in cases other than the life of the mother, rape or incest would face one to ten years at hard labor and a fine of up to \$100,000. In Mississippi, that provider would face one to ten years and in Texas 2 to 5 years. Fortunately, at least for the time being, Roe v. Wade has invalidated those laws.**

**Appointing Judge Pickering, a life long opponent of Roe v. Wade, doesn't fill one full of hope that the Bush Administration is anxious to keep Roe v. Wade around permanently.**

**Louisiana and Mississippi both have passed targeted regulation of abortion providers - special licensing, administrative, and even physical plant requirements on abortion providers. Those requirements don't apply to other out-patient procedures. Just to out-patient abortions. Louisiana, Mississippi and Texas all ban public funding for abortions except in limited instances. In Mississippi, public funding isn't even available in case of rape or incest. All three states impose waiting periods, restrict minors' access to abortions, and bans on safe and common abortion procedures.**

**Already, the 5th District is the only federal court to hold that a two-parent consent statute is constitutional. Judge Pickering would tilt the balance even more against reproductive rights. No woman should be asked to risk her rights on the hope that Judge Pickering may have a change of heart.**

**We call on the Senate to reject this nomination. The women of the 5th District and women across the nation deserve to know that judicial nominees will protect their legal rights. And President Bush should know that he should not continue to nominate ultra-conservative, anti-choice activists to the federal bench if he wants his nominees to be confirmed.**